

EIC 2800 SEARCH REPORT



STIC Database Tracking Number: 359337

**To: SEUNGSOOK HAM
Location: JEF-8D65
Art Unit: 2817
Tuesday, March 22, 2011**

Case Serial Number: 09/987978

**From: DIANE JACKSON
Location: EIC2800
JEF-4B68
Phone: (571)272-3260**

diane.jackson@uspto.gov

Search Notes

Hi,

Attached are litigation search results in Lexis Nexis, and CourtLink and Q-Pat/Orbit.

No Litigation was found for Serial Number 09/987978 and Patents 5637913 and 5378656.

If you have any questions, please feel free to contact me.

Thanks,

Diane

MAR 22 2011

3 59 337

Jackson, Diane

From: Ham, Seungsook
Sent: Monday, March 21, 2011 4:11 PM
To: STIC-EIC2800
Subject: litigation search for reissue application: 09/987978 (USP 5637913)

Could you do a litigation search for above reissue application and send me a copy?

Thanks,
Seungsook(Robyn) Ham
U.S. Patent & Trademark Office
TC 2800 TQAS (detailer)
Jeff. bldg. 8D65
571-272-2405

5,637,913

5,378,656

Application Number Information

Application Number: 09/987978 [Assignments](#)Filing or 371(c) Date: 11/16/2001 [eDan](#)

Effective Date: 11/16/2001

Application Received: 11/16/2001

Patent Number:

Issue Date: 00/00/0000

Date of Abandonment: 00/00/0000

Attorney Docket Number: 1374.32049RV1

Status: 71 /RESPONSE TO NON-FINAL OFFICE ACTION ENTERED AND FORWARDED TO EXAMINER

Confirmation Number: 7905

Title of Invention: LEADFRAME SEMICONDUCTOR INTEGRATED CIRCUIT DEVICE USING THE SAME, AND METHOD OF AND PROCESS FOR FABRICATING THE TWO

Examiner Number: 72333 / [CLARK, JASMINE](#)

Group Art Unit: 2815

Class/Subclass: 257/666.000

Lost Case: NO

Interference Number:

Unmatched Petition: NO

[L&R Code](#): Secrecy Code:1

Third Level Review: NO

Oral Hearing: NO

[IFW Madras](#)

Secrecy Order: NO

Status Date: 02/01/2011

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
----------	---------------	---------------	---------------	----------------	---------------	----------

Appln Info	Contents	Petition Info	Atty/Agent Info	Continuity/Reexam	Foreign Data	Inventors	Address	Fees	Post Info	Pre Gre
---------------	--------------------------	-------------------------------	---------------------------------	-----------------------------------	------------------------------	---------------------------	-------------------------	----------------------	---------------------------	-------------------------

Search Another: Application # [Search](#) or Patent# [Search](#)
PCT / / [Search](#) or PG PUBS # [Search](#)
Attorney Docket # [Search](#)
Bar Code # [Search](#)

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.
Back to [OASIS](#) Home page

http://EXPWEB1:8001/cgi-bin/expo/GenInfo/snquery.pl?APPL_ID=09987978

Continuity/Reexam Information for 09/987978

Parent Data

09987978, filed 11/16/2001 is a reissue of 08311021, filed 09/22/1994, now U.S. Patent #5637913 and having 1 RCE-type filing therein
08311021 is a division of 08038684, filed 03/29/1993, now U.S. Patent #5378656
claims foreign priority to 4-320098, filed 11/30/1992
claims foreign priority to 4-071116, filed 03/27/1992

Child Data

Appln Info	Contents	Patition Info	Atty/Agent Info	Continuity/Reexam	Foreign Data	Inventors	Address	Fees	Post info	Pre Gra
------------	----------	---------------	-----------------	-------------------	--------------	-----------	---------	------	-----------	---------

Search Another: Application # or Patent#
PCT / / or PG PUBS #
Attorney Docket #
Bar Code #

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.
Back to [OASIS](#) Home page

Application Number Information

Application Number: 08311021 [Assignments](#)Filing or 371(c) Date: 09/22/1994 [eDan](#)

Effective Date: 09/22/1994

Application Received: 09/22/1994

Patent Number: [5637913](#)

Issue Date: 06/10/1997

Date of Abandonment: 00/00/0000

Attorney Docket Number: 501.32049VX

Status: 150 /PATENTED CASE

Confirmation Number: 8059

Title of Invention: LEADFRAME SEMICONDUCTOR INTEGRATED CIRCUIT DEVICE USING THE SAME AND METHOD OF AND PROCESS FOR FABRICATING THE TWO

Examiner Number: 72333 / [CLARK, JASMINE](#)Group Art Unit: [2503](#)

Class/Subclass: 257/666.000

Lost Case: NO

Interference Number:

Unmatched Petition: NO

[L&R Code](#): Secrecy Code:1

Third Level Review: NO

Secrecy Order: NO

Status Date: 05/30/1997

Oral Hearing: NO

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
08311021	28U3	10/16/2009	No Charge to Location	No Charge to Name	DEES,JOSE	JEF/08/D 59

Appln [Contents](#) [Petition Info](#) [Atty/Agent Info](#) [Continuity/Reexam](#) [Foreign Data](#) [Inventors](#) [Address](#) [Fees](#) [Post Info](#) [Pre Gra](#)
Info

Search Another: Application # [Search](#) or Patent# [Search](#)
PCT / / [Search](#) or PG PUBS # [Search](#)
Attorney Docket # [Search](#)
Bar Code # [Search](#)

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.
Back to [OASIS](#) Home page

http://EXPWEB1:8001/cgi-bin/expo/GenInfo/snquery.pl?APPL_ID=08311021

Application Number Information

Application Number: 08/038684 [Assignments](#)Filing or 371(c) Date: 03/29/1993 [eDan](#)

Effective Date: 03/29/1993

Application Received: 03/29/1993

Patent Number: 5378656

Issue Date: 01/03/1995

Date of Abandonment: 00/00/0000

Attorney Docket Number: 501-32049X00

Status: 150 /PATENTED CASE

Confirmation Number: 9581

Examiner Number: 69603 / PICARDAT, KEVIN

Group Art Unit: 1104

Class/Subclass: 999/217.000

Lost Case: NO

Interference Number:

Unmatched Petition: NO

L&R Code: Secrecy Code:1

Third Level Review: NO

Secrecy Order: NO

Status Date: 06/16/1995

Oral Hearing: NO

Title of Invention: LEADFRAME, SEMICONDUCTOR INTEGRATED CIRCUIT DEVICE USING THE SAME, AND METHOD OF AND PROCESS FOR FABRICATING THE SAME

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
08038684	28U3	05/01/2004	No Charge to Location	DEES, JOSE	INVENTORY,THIRTY6	JEF/08/D 59

Appln Info Contents Petition Info Atty/Agent Info Continuity/Reexam Foreign Data Inventors Address Fees Post Info Pre Gre

Search Another: Application # or Patent#
PCT / / or PG PUBS #
Attorney Docket #
Bar Code #

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) Home pagehttp://EXPOWEB1:8001/cgi-bin/expo/GenInfo/snquery.pl?APPL_ID=08038684

Single Search - with Terms and Connectors

Enter keywords - Search multiple dockets & documents

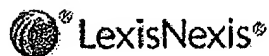
Search[View Demo](#)
[Search Tips](#)[My CourtLink](#)[Search](#)[Dockets & Documents](#)[Track](#)[Alert](#)[Strategic Profiles](#)[My Account](#)[Search](#) > [Patent Search](#) > Searching

Patent Search 5637913 3/22/2011

No cases found.

[Return to Search](#)

(Charges for search still apply)

[About LexisNexis](#) | [Terms & Conditions](#) | [Pricing](#) | [Privacy](#) | [Customer Support](#) - 1-888-311-1966
Copyright © 2011 LexisNexis®. All rights reserved.

Back to list

Add to

Export

Translate



Compare



Logout

Menu

Detail

Biblio

Claims

Description

Key Content

Image

Drawings

First Page

Search Patents...

Searches

General search

Number search

Citation search

My Session

Search history

Search results

Past Sessions:

Previous History

Previous Analysis

My Searches

My saved searches

My alerts

My Lists

Quicklist (0)

New

Leadframe semiconductor integrated circuit device using the same and method of and process for fabricating the two

AB

(US5637913)

In order to improve the package body cracking resistance of an LSI package at the reflow soldering and to provide both a leadframe suitable for fabricating the LSI package according to the flexible manufacturing system and an LSI using the leadframe, the adhered area between a semiconductor chip 2 and a resin is enlarged by making the external size of a die pad 3 smaller than that of the semiconductor chip to be mounted thereon. Moreover, a variety of semiconductor chips 2 having different external sizes can be mounted on the die pad 3 by cutting the leading ends of leads 5 to a suitable length in accordance with the external sizes of the semiconductor chips 2.

IN

KAJIHARA YUJIRO SUZUKI
KAZUNARI TSUBOSAKI KUNIHIO
SUZUKI HIROMICHI MIYAKI
YOSHINORI NAITO TAKAHIRO
KAWAI SUEO

PA

HITACHI ULSI SYSTEMS
RENESAS ELECTRONICS

PA0

Hitachi, Ltd., Tokyo [JP]
Hitachi Microcomputer System, Ltd.,
Tokyo [JP]

Published As

Publ. number	Pub. date	Appl. number	Appl. date	Pl
US5637913	19970610	1994US-0311021	19940922	/

PR

1992JP-0071116 19920327
1992JP-0320098 19921130
1993US-0038684 19930329
1994US-0311021 19940922

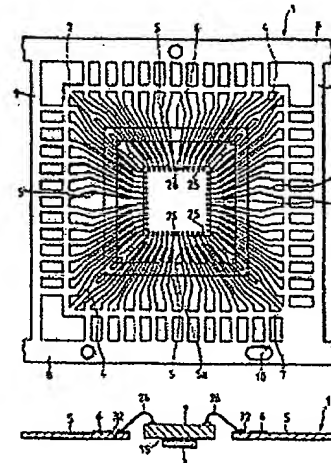
PCL

257666000 257672000 257674000 257676000 257783000 257E23037

257E23037 257E23037

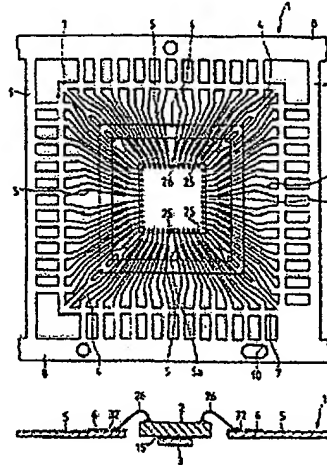
257E23037 257E23037

Record 1 of 1



Displaying records 1 - 1 of 1

[Back to list](#)[Add to](#)[Export](#)[Translate](#)[Compare](#)[Logout](#)

Menu	Detail	Biblio	Claims	Description	Key Content	Image	Drawings	First Page
<div>Search Patents...</div> <div><div>Searches</div><div>General search</div><div>Number search</div><div>Citation search</div><div>My Session</div><div>Search history</div><div>Search results</div><div>Past Sessions</div><div>Previous History</div><div>Previous Analysis</div><div>My Searches</div><div>My saved searches</div><div>My alerts</div><div>My Lists</div><div>Quicklist (0)</div></div>		<div>DateCodeAction</div> <div>Alive: US5637913 A</div> <div><div>19940922US/API [EXM;POS]</div><div>FILING DETAILS US31102194 19940922 [1994US-0311021]</div></div> <div><div>19970610US/A [EXM;POS]</div><div>Patent US5637913 A 19970610 [US5637913]</div></div> <div><div>19990803US/RF-A [OPP]</div><div>REISSUE APPLICATION FILED EFFECTIVE DATE: 19990609</div></div> <div><div>20000518US/AS-A [NMC]</div><div>ASSIGNMENT OWNER: HITACHI ULSI SYSTEMS CO., LTD. 22-1, JOSUIHONCHO,; EFFECTIVE DATE: 19980401 CHANGE OF NAME;ASSIGNOR:HITACHI MICROCOMPUTER SYSTEM, LTD.;REEL/FRAME:010828/0905</div></div> <div><div>20000518US/AS-A [NMC]</div><div>ASSIGNMENT OWNER: HITACHI ULSI SYSTEMS CO., LTD., JAPAN; EFFECTIVE DATE: 19980401 CHANGE OF NAME;ASSIGNOR:HITACHI MICROCOMPUTER SYSTEM, LTD.;REEL/FRAME:010828/0905</div></div> <div><div>20020115US/RF-A [OPP]</div><div>REISSUE APPLICATION FILED EFFECTIVE DATE: 20011116</div></div> <div><div>20020430US/RF-A [OPP]</div><div>REISSUE APPLICATION FILEDEFFECTIVE DATE: 20011121</div></div>				<div></div>		
		Record 1 of 1						
		Displaying records 1 - 1 of 1						

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
All	Legal	News & Business	Public Records	Find A Source	Add/Edit Subtabs	

Legal > Area of Law - By Topic > Patent Law > Find Cases > Intellectual Property Cases, Administrative Decisions & Regulations [i](#)

Search[View Tutorial](#) | [Help](#)**Broaden this search with additional sources**

- ☒ **Intellectual Property Cases, Administrative Decisions & Regulations** [i](#) (Source you selected)
- ☐ Chisum on Patents [i](#)
- ☐ Patent Law Digest [i](#)
- ☐ Patent Case Management Judicial Guide [i](#)
- ☐ Intellectual Property Counseling and Litigation [i](#)
- ☐ Court of Appeals for the Federal Circuit Practice & Procedure [i](#)

[View all sources](#)**Select Search Type and Enter Search Terms**

Terms & Connectors	(5637913 or 5,637,913)
Natural Language	
Easy Search™	

[Suggest terms for my search](#)**Search**[Check spelling](#)**Restrict by Document Segment**

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment i	<input type="text"/>	Add ^
------------------------------------	----------------------	------------------------------

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

☒ **No Date Restrictions** [i](#) ☐ From To Date formats...

Search Connectors

and	and	w/p	in same paragraph
or	or	w/seg	in same segment
w/N	within N words	w/s	in same sentence
pre/N	precedes by N words	and not	and not

[More Connectors & Commands...](#)**How Do I...?**

[Combine sources?](#)
[Restrict by date?](#)
[Restrict by document segment?](#)
[Use wildcards as placeholders for one or more characters in a search term?](#)

[View Tutorials](#)

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

No Documents Found

No documents were found for your search terms

"(5637913 or 5,637,913)"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts."
- Use a less restrictive date range.

| [Save this Search as an Alert](#) || [Edit Search](#) |

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
All	Legal	News & Business	Public Records	Find A Source	Add/Edit Subtabs	

Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > Administrative Agency Materials > Federal Agency Decisions, Combined

Search[View Tutorial](#) | [Help](#)**Broaden this search with additional sources**

- ☒ **Federal Agency Decisions, Combined** (Source you selected)
- ☐ Jury Verdicts and Settlements, Combined
- ☐ LexisNexis Jury Verdicts and Settlements
- ☐ U.S. Supreme Court Briefs
- ☐ Martindale-Hubbell(R) Listings, All
- ☐ Martindale-Hubbell(R) Law Directory - U.S. Government Attorney Profiles

[View all sources](#)**Select Search Type and Enter Search Terms**

Terms & Connectors	(5637913 or 5,637,913)
Natural Language	
Easy Search™	

[Suggest terms for my search](#)**Search**[Check spelling](#)**Restrict by Document Segment**

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment		Add
------------------	--	------------

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

☒ **No Date Restrictions** ☐ From To Date formats...

Search Connectors

and	and	w/p	in same paragraph
or	or	w/seg	in same segment
w/N	within N words	w/s	in same sentence
pre/N	precedes by N words	and not	and not

[More Connectors & Commands...](#)**How Do I...?**

[Combine sources?](#)
[Restrict by date?](#)
[Restrict by document segment?](#)
[Use wildcards as placeholders for one or more characters in a search term?](#)

[View Tutorials](#)

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

No Documents Found

No documents were found for your search terms
"(5637913 or 5,637,913)"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts."
- Use a less restrictive date range.

| [Save this Search as an Alert](#) || [Edit Search](#) |

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
All	Legal	News & Business	Public Records	Find A Source	Add/Edit Subtabs	

Legal > / ... / > Legal US News, All

Search [View Tutorial](#) | [Help](#)

Select Search Type and Enter Search Terms

Terms & Connectors (5637913 or 5,637,913)

Natural Language

Easy Search™

[Suggest terms for my search](#)

[Search](#)

[Check spelling](#)

Restrict by Document Segment

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment

Add

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

☒ **No Date Restrictions**

☐ From To [Date formats...](#)

Search Connectors

and	and	w/p	in same paragraph
or	or	w/seg	in same segment
w/N	within N words	w/s	in same sentence
pre/N	precedes by N words	and not	and not

[More Connectors & Commands...](#)

How Do I...?

[Combine sources?](#)

[Restrict by date?](#)

[Restrict by document segment?](#)

[Use wildcards as placeholders for one or more characters in a search term?](#)

[View Tutorials](#)

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

Save this Search as an Alert | Edit Search |

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
---------------------------	------------------------	--------------------------------	----------------------------	----------------------	-------------------------	------------------------

Source: [Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > United States Code Service \(USCS\) Materials > United States Code Service - Titles 1 through 51](#) [i](#)

Copyright © 2011 by Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved.

United States Code Service - Titles 1 through 51

[View Tutorial](#) | [Help](#)


☒ Terms and Connectors ☐ Natural Language

5637913 or 5,637,913

Search: ☒ Full-text of source documents

 Advanced

☐ Table of Contents (TOC) only

 Search Selected Only

[Clear All Selections](#) | [Hide Book Headers](#)

- ☒ ☐ TITLE 1. GENERAL PROVISIONS
- ☒ ☐ TITLE 2. THE CONGRESS
- ☒ ☐ TITLE 3. THE PRESIDENT
- ☒ ☐ TITLE 4. FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
- ☒ ☐ TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES
- ☒ ☐ TITLE 6. DOMESTIC SECURITY
- ☒ ☐ TITLE 7. AGRICULTURE
- ☒ ☐ TITLE 8. ALIENS AND NATIONALITY
- ☒ ☐ TITLE 9. ARBITRATION
- ☒ ☐ TITLE 10. ARMED FORCES
- ☒ ☐ TITLE 11. BANKRUPTCY
- ☒ ☐ TITLE 12. BANKS AND BANKING
- ☒ ☐ TITLE 13. CENSUS
- ☒ ☐ TITLE 14. COAST GUARD
- ☒ ☐ TITLE 15. COMMERCE AND TRADE
- ☒ ☐ TITLE 16. CONSERVATION
- ☒ ☐ TITLE 17. COPYRIGHTS
- ☒ ☐ TITLE 18. CRIMES AND CRIMINAL PROCEDURE
- ☒ ☐ TITLE 19. CUSTOMS DUTIES
- ☒ ☐ TITLE 20. EDUCATION
- ☒ ☐ TITLE 21. FOOD AND DRUGS
- ☒ ☐ TITLE 22. FOREIGN RELATIONS AND INTERCOURSE
- ☒ ☐ TITLE 23. HIGHWAYS
- ☒ ☐ TITLE 24. HOSPITALS AND ASYLUMS
- ☒ ☐ TITLE 25. INDIANS
- ☒ ☐ TITLE 26. INTERNAL REVENUE CODE
- ☒ ☐ TITLE 27. INTOXICATING LIQUORS
- ☒ ☐ TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE
- ☒ ☐ TITLE 29. LABOR
- ☒ ☐ TITLE 30. MINERAL LANDS AND MINING
- ☒ ☐ TITLE 31. MONEY AND FINANCE
- ☒ ☐ TITLE 32. NATIONAL GUARD
- ☒ ☐ TITLE 33. NAVIGATION AND NAVIGABLE WATERS
- ☒ ☐ TITLE 34. [NAVY]
- ☒ ☐ TITLE 35. PATENTS
- ☒ ☐ TITLE 36. PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS
- ☒ ☐ TITLE 37. PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
- ☒ ☐ TITLE 38. VETERANS' BENEFITS
- ☒ ☐ TITLE 39. POSTAL SERVICE
- ☒ ☐ TITLE 40. PUBLIC BUILDINGS, PROPERTY, AND WORKS

		TITLE 41. PUBLIC CONTRACTS
		TITLE 42. THE PUBLIC HEALTH AND WELFARE
		TITLE 43. PUBLIC LANDS
		TITLE 44. PUBLIC PRINTING AND DOCUMENTS
		TITLE 45. RAILROADS
		TITLE 46. SHIPPING
		TITLE 47. TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS
		TITLE 48. TERRITORIES AND INSULAR POSSESSIONS
		TITLE 49. TRANSPORTATION
		TITLE 50. WAR AND NATIONAL DEFENSE
		TITLE 51. NATIONAL AND COMMERCIAL SPACE PROGRAMS

1 - 51 of 51

Key:

- Click to expand level.*
 - Click to collapse level.*
 - Click to expand document subheadings.*
 - Click to collapse document subheadings.*
 - Click link to display full text of document.*
 - Click to generate a TOC linking url.
- * Hover your cursor over this icon to display the Multiple Level Expand navigation menu.

Source: **Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > United States Code Service (USCS) Materials > United States Code Service - Titles 1 through 51**

In

About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

No Documents Found

No documents were found for your search terms
"5637913 or 5,637,913"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts."
- Use a less restrictive date range.

| [Save this Search as an Alert](#) || [Edit Search](#) |

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

Single Search - with Terms and Connectors

Enter keywords - Search multiple dockets & documents

Search[View Demo](#)
[Search Tips](#)[My CourtLink](#)[Search](#)[Dockets & Documents](#)[Track](#)[Alert](#)[Strategic Profiles](#)[My Account](#)[Search](#) > [Patent Search](#) > Searching

Patent Search 5378656 3/22/2011

No cases found.

[Return to Search](#)

(Charges for search still apply)

[About LexisNexis](#) | [Terms & Conditions](#) | [Pricing](#) | [Privacy](#) | [Customer Support](#) - 1-888-311-1966
Copyright © 2011 LexisNexis®. All rights reserved.

Back to list

Add to

Export

Translate



Compare



Logout

Menu Detail Biblio Claims Description Key Content Image Drawings First Page

Search Patents...

Searches

General search

Number search

Citation search

My Session

Search history

Search results

Past Sessions

Previous History

Previous Analysis

My Searches

My saved searches

My alerts

My Lists

Quicklist (0)

New

Leadframe, semiconductor integrated circuit device using the same, and method of and process for fabricating the same

IN

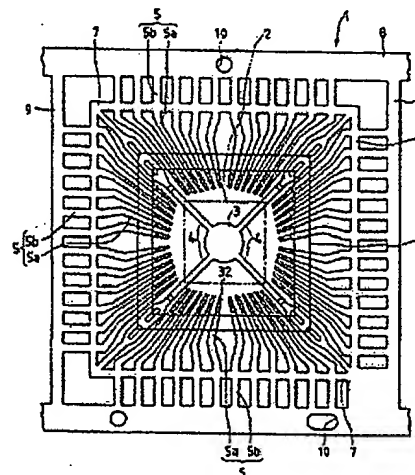
KAJIHARA YUJIRO SUZUKI
KAZUNARI TSUBOSAKI KUNIHIRO
SUZUKI HIROMICHI MIYAKI
YOSHINORI NAITO TAKAHIRO
KAWAI SUEO

PA

HITACHI
HITACHI ULSI SYSTEMS
RENESAS ELECTRONICS
RENESAS TECHNOLOGY

Published As

	Publ. number	Pub. date	Appl. number	Appl. date	Pt
	JP6216303	19940805	1993JP-0065784	19930325	A
	US5378656	19950103	1993US-0038684	19930329	A
	JP10326859	19981208	1998JP-0185261	19980630	A
	JP2891607	19990517			E
	JP11224930	19990817	1998JP-0333271	19980101	A
	JP11224929	19990817	1998JP-0333270	19930325	A
	JP11224928	19990817	1998JP-0333269	19980101	A
	JP2000286374	20001013	2000JP-0073486	20000101	A
	KR100322825	20020118	2000KR-0047727	20000818	E
	JP2002329830	20021115	2002JP-0128666	20020430	A
	JP2002329829	20021115	2002JP-0128665	20020430	A
	JP2002329832	20021115	2002JP-0128664	20020430	A
	JP2004048024	20040212	2003JP-0207142	20030811	A
	JP2004048023	20040212	2003JP-0207141	20030811	A



Record 1 of 1

Displaying records 1 - 1 of 1

Back to list

Add to

Export

Translate



Compare



Logout

Menu

Detail

Biblio

Claims

Description

Key Content

Image

Drawings

First Page

Search Patents...

Searches

General search

Number search

Citation search

My Session

Search history

Search results

Past Sessions

Previous History

Previous Analysis

My Searches

My saved searches

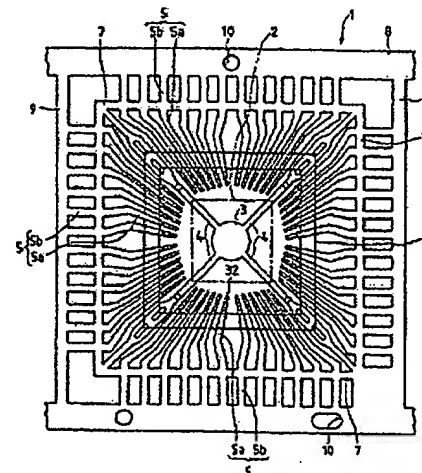
My alerts

My Lists

Quicklist (0)

New

Date	Code	Action
JP6216303 A, JP2891607 B2		
Patolis		
Display PATOLIS-e legal status		
Alive: US5378656 A		
19930329	US/API [EXM;POS]	FILING DETAILS US3868493 19930329 [1993US-0038684]
19940721	US/AS02-A [NMC]	ASSIGNMENT OF ASSIGNOR'S INTEREST OWNER: HITACHI, LTD. CHIYODA-KU, TOKYO, JAPAN; EFFECTIVE DATE: 19930304
19940721	US/AS02-A [NMC]	ASSIGNMENT OF ASSIGNOR'S INTEREST OWNER: HITACHI MICROCOMPUTER SYSTEM LTD. KODAIR; EFFECTIVE DATE: 19930304
19940721	US/AS02-A [NMC]	ASSIGNMENT OF ASSIGNOR'S INTEREST OWNER: TSUBOSAKI, KUNIHIRO; EFFECTIVE DATE: 19930304
19940721	US/AS02-A [NMC]	ASSIGNMENT OF ASSIGNOR'S INTEREST OWNER: SUZUKI, HIROMICHI; EFFECTIVE DATE: 19930304
19940721	US/AS02-A [NMC]	ASSIGNMENT OF ASSIGNOR'S INTEREST OWNER: KAJIHARA, YUJIRO; EFFECTIVE DATE: 19930304
19940721	US/AS02-A [NMC]	ASSIGNMENT OF ASSIGNOR'S INTEREST OWNER: SUZUKI, KAZUNARI; EFFECTIVE DATE: 19930304
ASSIGNMENT OWNER: HITACHI, LTD., JAPAN;		



Record 1 of 1


Displaying records 1 - 1 of 1

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
---------------------------	------------------------	--------------------------------	----------------------------	----------------------	-------------------------	------------------------

FOCUS™ Terms Search Within ☒ Using Semantic Concepts

What's this?  [Advanced...](#)

[View Tutorial](#)

Source: [Legal > Area of Law - By Topic > Patent Law > Find Patents > Utility, Design and Plant Patents](#) 

Terms: **patno=5378656** ([Edit Search](#) | [Suggest Terms for My Search](#))

038684 (08) 5378656 January 3, 1995

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

5378656

[Access PDF of Official Patent *](#)
[Order Patent File History / Wrapper from REEDFAX®](#)
[Link to Claims Section](#)

January 3, 1995

Leadframe, semiconductor integrated circuit device using the same, and method of and process for fabricating the same

INVENTOR: Kajihara, Yujiro - Tachikawa, Japan (JP) ; Suzuki, Kazunari - Tokyo, Japan (JP) ; Tsubosaki, Kunihiro - Hino, Japan (JP) ; Suzuki, Hiromichi - Machida, Japan (JP) ; Miyaki, Yoshinori - Kokubunji, Japan (JP) ; Naito, Takahiro - Koganei, Japan (JP) ; Kawai, Sueo - Iwama, Japan (JP)

APPL-NO: 038684 (08)

FILED-DATE: March 29, 1993

GRANTED-DATE: January 3, 1995

PRIORITY: March 27, 1992 - 04071116, Japan (JP) ; November 30, 1992 - 04320098, Japan (JP)

ASSIGNEE-PRE-ISSUE:

July 21, 1994 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., HITACHI, LTD. CHIYODA-KU, TOKYO, JAPAN, HITACHI MICROCOMPUTER SYSTEM LTD. KODAIRA-SHI, TOKYO, JAPAN, CHIYODA-KU, TOKYO, JAPAN (), Reel and Frame Number: 007070/0577

ASSIGNEE-AT-ISSUE:

Hitachi, Ltd., Tokyo, Japan (JP)
Hitachi Microcomputer System Ltd., Ibaraki, Japan (JP)

ASSIGNEE-AFTER-ISSUE:

May 26, 2000 - CHANGE OF NAME (SEE DOCUMENT FOR DETAILS)., HITACHI ULSI SYSTEMS CO., LTD. 22-1, JOSUIHONCHO, 5-CHOME, KODAIRA-SHITOKYO, (1), Reel and Frame Number: 010804/0789

March 30, 2010 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., RENESAS TECHNOLOGY CORP., 6-2, OTEMACHI 2-CHOME, CHIYODA-KU, TOKYO, JAPAN (), Reel and Frame Number: 024160/0452

July 30, 2010 - MERGER (SEE DOCUMENT FOR DETAILS)., RENESAS ELECTRONICS CORPORATION, KAWASAKI, 1753 SHIMONUMABE, NAKAHARA-KU, KANAGAWA, JAPAN (), Reel and Frame Number: 025204/0512

LEGAL-REP: antonelli, Terry, Stout &; Kraus







My Lexis™		Search		Get a Document	Shepard's®	More		History	Alerts
All	Legal	News & Business		Public Records	Find A Source	Add/Edit Subtabs			

Legal > Area of Law - By Topic > Patent Law > Find Cases > Intellectual Property Cases, Administrative Decisions & Regulations

Search

View Tutorial | Help

Broaden this search with additional sources

☒ Intellectual Property Cases, Administrative Decisions & Regulations  (Source you selected)
 ☐ Chisum on Patents 
☐ Patent Law Digest 
☐ Patent Case Management Judicial Guide 
☐ Intellectual Property Counseling and Litigation 
☐ Court of Appeals for the Federal Circuit Practice & Procedure 

View all sources

Select Search Type and Enter Search Terms

Terms & Connectors

Natural Language

Easy Search™

(5378656 or 5,378,656)


Suggest terms for my search


Check spelling

Search

Restrict by Document Segment


Select a document segment, enter search terms for the segment, then click Add.

Select a Segment 

Add 

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.

Restrict by Date

☒ No Date Restrictions 
☐ From To Date formats...

Search Connectors

and

and

w/p

in same paragraph

or

or

w/seg

in same segment

w/N

within N words

w/s

in same sentence

pre/N

precedes by N words

and not

and not

More Connectors & Commands...

How Do I...?

Combine sources?

Restrict by date?

Restrict by document segment?

Use wildcards as placeholders for one or more characters in a search term?

View Tutorials

No Documents Found

No documents were found for your search terms

"(5378656 or 5,378,656)"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts."
- Use a less restrictive date range.

| Save this Search as an Alert || Edit Search |

In

About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
All	Legal	News & Business	Public Records	Find A Source	Add/Edit Subtabs	

Search[View Tutorial](#) | [Help](#)**Broaden this search with additional sources**

- ☒ **Combined Source Set 1** ⓘ (Source you selected)
- ☐ Jury Verdicts and Settlements, Combined ⓘ
- ☐ LexisNexis Jury Verdicts and Settlements ⓘ
- ☐ U.S. Supreme Court Briefs ⓘ
- ☐ Martindale-Hubbell(R) Listings, All ⓘ
- ☐ Martindale-Hubbell(R) Law Directory - U.S. Government Attorney Profiles ⓘ

[View all sources](#)**Select Search Type and Enter Search Terms**

Terms & Connectors	(5378656 or 5,378,656)
Natural Language	
Easy Search™	

[Suggest terms for my search](#)**Search**[Check spelling](#)**Restrict by Document Segment**

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment		Add ▲
------------------	--	--------------

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.**Restrict by Date**

☒ **No Date Restrictions** ⓘ ☐ From To [Date formats...](#)

Search Connectors

and	and	w/p	in same paragraph
or	or	w/seg	in same segment
w/N	within N words	w/s	in same sentence
pre/N	precedes by N words	and not	and not

[More Connectors & Commands...](#)**How Do I...?**


[Combine sources?](#)
[Restrict by date?](#)
[Restrict by document segment?](#)
[Use wildcards as placeholders for one or more characters in a search term?](#)

[View Tutorials](#)


In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
------------------	---------------	-----------------------	-------------------	-------------	----------------	---------------

FOCUS™ Terms Search Within  [Advanced...](#) [View Tutorial](#)

[All Results - \(1\)](#) [Cases - \(1\)](#)

Source: **Combined Source Set 1**  - **Federal & State Cases, Combined**

Terms: **(5378656 or 5,378,656)** ([Edit Search](#) | [Suggest Terms for My Search](#))

*19 Cl. Ct. 561, *; 1990 U.S. Cl. Ct. LEXIS 41, **;
36 Cont. Cas. Fed. (CCH) P75,811*

BEAN DREDGING CORPORATION and Weeks Marine, Inc., Plaintiffs v. The UNITED STATES, Defendant

No. 604-89C

UNITED STATES CLAIMS COURT

19 Cl. Ct. 561; 1990 U.S. Cl. Ct. LEXIS 41; 36 Cont. Cas. Fed. (CCH) P75,811

February 14, 1990


CASE SUMMARY

PROCEDURAL POSTURE: Plaintiff joint venturers sought to enjoin defendant, the United States Army Corps of Engineers, from cancelling a bid invitation for river and harbor improvement contracts, which the corps planned to do pursuant to 33 U.S.C.S. § 624 due to the fact that all the bids received were 25 percent higher than the corps estimates of the dredging project.

OVERVIEW: The joint venturers claimed that the corps violated the Fed. Acquisition Reg. § 14.404-1, specifically codified at 48 C.F.R. § 14.404-1, by not awarding a contract to the lowest responsible bidder without a compelling reason to do so and the evidence showed that the corps estimate was unreasonably low due to calculation errors that violated of 48 C.F.R. § 14.404-1(c)(6); and the corps breached the implied-in-fact contract provision contained in all government solicitations to consider bids in a fair and reasonable manner. The court granted the joint venturers their requested injunctive relief and held that based on the evidence presented and the calculations provided by the corps that the corps had miscalculated the costs involved in the dredging project and once the calculations were corrected that the bid made by the joint venturers was within 25 percent of the corrected cost estimate and in compliance with 33 U.S.C.S. § 624, 48 C.F.R. § 14.404-1. The court further held that the corps had failed to prepare a fair and reasonable cost estimate for the project; violated its implied-in-fact obligation to treat all fully, fairly, and honestly; and therefore could not cancel the bid.


OUTCOME: The court granted the injunctive relief requested by the joint venturers and enjoined the corps and all persons acting in concert with the corps from awarding a contract or disbursing funds to anyone other than the joint venturers for the dredging project.


CORE TERMS: monthly, dredging, estimate, bid, dredge, plant, estimated, mud, pipeline, corrected, mobilization, mandatory, calculation, demobilization, overhead, booster, awardable, ownership, proven, depreciation, reasonable estimate, adjusted, revised, river, channel, fuel, formula, submerged, mathematical errors, engineer

Administrative Law > Sovereign Immunity 


Civil Procedure > Jurisdiction > Subject Matter Jurisdiction > Jurisdiction Over Actions > Exclusive Jurisdiction 


Civil Procedure > Judgments > Relief From Judgment > Independent Actions 


HN1  28 U.S.C.S. § 1491(a)(3) provides that to afford complete relief on any contract claim brought before the contract is awarded, the claims court shall have exclusive jurisdiction to grant declaratory judgments and such equitable and extraordinary relief as it deems proper, including but not limited to injunctive relief. More Like This Headnote


Public Contracts Law > Costs & Prices > Price Analysis 


Public Contracts Law > Terminations > Enforcement of Promises 

HN2  33 U.S.C.S. § 624 prohibits the award of river and harbor improvement contracts when all bids exceed the estimate of the United States by more than 25 percent. More Like This Headnote | *Shepardize: Restrict By Headnote*


Public Contracts Law > Bids & Formation > Offer & Acceptance > General Overview 


Public Contracts Law > Dispute Resolution > Bid Protests 

Public Contracts Law > Governmental Immunities > Statutory Restrictions 

HN3  Fed. Acquisition Reg. § 14.404-1(a)(1), specifically codified at 48 C.F.R. § 14.404-1, states in part that preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation. More Like This Headnote | *Shepardize: Restrict By Headnote*

Public Contracts Law > Types of Contracts > Construction Contracts 


Transportation Law > Water Transportation > Waterways 

HN4  USACE Eng'g Reg. No. ER 1110-2-1300 provides the estimator with general data, procedures, average values, and a format for guidance in preparing government estimates for dredging. More Like This Headnote

Public Contracts Law > Costs & Prices > Cost Principles 

Public Contracts Law > Types of Contracts > Construction Contracts 


Transportation Law > Water Transportation > Waterways 

HN5  USACE Eng'g Pamp. No. EP 1110-1-8 establishes predetermined equipment ownership and operating expense rates for use in preparation of estimates for bidding. More Like This Headnote

Public Contracts Law > Costs & Prices > Cost Principles 


Public Contracts Law > Types of Contracts > Construction Contracts 


Transportation Law > Water Transportation > Waterways 

HN6  33 U.S.C.S. § 624 sets limits on improvement work by private contract and states in part that (a) determinations respecting comparison of private contract price with estimation of cost of performance of work by a United States plant or by well-equipped contractor, no works of river and harbor improvement shall be done by private contract (2) in any other circumstance where the United States Secretary of the Army, acting through the United States Chief of Engineers,


... " : " :&numDocs=1&totalDocs=&taggedDocs=&toggleValue=&numDocsCh... 3/22/2011


Evidence > Inferences & Presumptions > General Overview 

Public Contracts Law > Dispute Resolution > Jurisdiction 


HN11  Allegations of clear and prejudicial statutory and regulatory violations by an agency regarding a bidding process must be supported by the requisite clear and convincing evidence showing that the violation breached the implied-in-fact contract of full and impartial consideration. More Like This Headnote


Evidence > Inferences & Presumptions > General Overview 


Public Contracts Law > Dispute Resolution > Bid Protests 

HN12  The implied contract of full, fair, and honest consideration is the sole basis for jurisdiction in pre-award bid protest cases. A violation of applicable statutes or regulations is but one of two methods to prove that the implied-in-fact contract is breached. More Like This Headnote |
Shepardize: Restrict By Headnote


Civil Procedure > Remedies > Injunctions > Permanent Injunctions 

Contracts Law > Breach > General Overview 


Contracts Law > Remedies > Equitable Relief > Injunctive Relief 

HN13  A proven violation of a statute or regulation does not in a bidding process, ipso facto, provide an automatic basis for injunctive relief. Only those statutory or regulatory violations which breach the implied contract of fair consideration are grounds for injunctive relief. More Like This Headnote |
Shepardize: Restrict By Headnote

Environmental Law > Water Quality > Clean Water Act > Discharge Permits > Dredged or Fill Material > General Overview 


Public Contracts Law > Costs & Prices > Cost Principles 

Transportation Law > Water Transportation > Waterways 

HN14  USACE Eng'g Reg. No. ER 1110-2-1300 para. B-9(5) requires the United States Army Corps of Engineers to include crew labor costs in the monthly dredge plant cost estimate. It does not, however, specify the number of crew, neither minimum, maximum, nor otherwise. The No. ER 1110-2-1300 para. B-9(5) emphasizes that the size of the crew will vary with dredge size and job conditions. More Like This Headnote

Public Contracts Law > Costs & Prices > Cost Principles 

Transportation Law > Water Transportation > Waterways 


HN15  USACE Eng'g Reg. No. ER 1110-2-1300 para. B-4(d)(6)(b) addresses the subject of effective monthly dredging time and states in part that the number of operating days per month is less than 30 due to holidays, inclement weather, repairs, relocations, disposal constraints, and less than seven days per week of operation. The number of operating days normally averages between 20 and 26 based on seven days operation per week. The rationale for these times estimates should be part of the estimate of the United States and No. ER 1110-2-1300 para. B-4(d)(6)(b) does not dictate to the United States Army Corps of Engineers to use any specified or aggregate number of effective working days to constitute a dredge month, but it clearly envisions the use of between 20 and 26 days under normal circumstances. More Like This Headnote


Evidence > Inferences & Presumptions > General Overview 

Evidence > Procedural Considerations > Objections & Offers of Proof > General Overview 

HN16 The failure to produce evidence, which would allegedly support the assertions of that party, warrants an adverse inference in the absence of an adequate explanation for its omission. More Like This Headnote | *Shepardize: Restrict By Headnote*

Civil Procedure > Remedies > Injunctions > Permanent Injunctions 

Contracts Law > Remedies > Equitable Relief > Injunctive Relief 

Evidence > Inferences & Presumptions > General Overview 

HN17 Before granting permanent injunctive relief in those cases where a plaintiff proves the breach of the implied contract, a claims court must also consider (i) whether an injunction is within the public's interest; (ii) whether the plaintiff will suffer irreparable harm, including an inadequate remedy at law, if the injunction is not granted; and (iii) the extent of injury to the defendant if the injunction is granted or where the balance of hardships lies. More Like This Headnote

COUNSEL: **[**1]** Peter M. Kilcullen, Washington, District of Columbia, attorney of record for Plaintiffs.

Shalom Brilliant, Washington, District of Columbia, with whom was Assistant Attorney General Stuart M. Gerson, for Defendant.

JUDGES: Gibson, Judge.

OPINION BY: GIBSON

OPINION

[*561] GIBSON, Judge:

This is a pre-award bid protest case seeking injunctive relief under 28 U.S.C. § 1491(a)(3) (West Supp. 1989).¹ Plaintiffs Bean Dredging Corporation and Weeks Marine, Inc. (hereinafter Bean, Weeks, or plaintiffs) are joint venturers who seek to enjoin the United States Army Corps of Engineers (Corps or defendant) from cancelling an invitation for bids, which contemplates the performance of maintenance **[*562]** dredging² on the Mobile River in Mobile, Alabama. The Corps has proposed to cancel the invitation pursuant to the authority of 33 U.S.C. § 624 (West Supp. 1989), which prohibits the award of river and harbor improvement contracts when every bid received by the Corps is *more than* 25% higher than the government's estimate for performance of that same work. Plaintiffs, the lowest responsive and responsible bidders on subject project, challenge the defendant's authority to cancel the invitation. Specifically, they contend that the Corps did not prepare **[**2]** a fair and reasonable cost estimate of a well-equipped contractor doing the work, as required by 33 U.S.C. § 624 and applicable regulations. Moreover, plaintiffs aver that this failure constitutes a violation of the implied-in-fact contractual obligation requiring the defendant to consider and treat all bids fairly.

FOOTNOTES

¹ Jurisdiction is premised on **HN1** 28 U.S.C. § 1491(a)(3), which provides as follows:

To afford complete relief on any contract claim brought before the contract is awarded, the court shall have exclusive jurisdiction to grant declaratory judgments and such equitable and extraordinary relief as it deems proper, including but not limited to injunctive relief

² Maintenance dredging is the process by which materials that have accumulated in a previously dredged channel are removed to maintain the desired channel width and depth. This is to be distinguished from original dredging, which is the process of creating a new channel through the removal of virgin materials.

Plaintiffs' motion for a temporary restraining order was denied as moot. Their motions for preliminary and permanent injunctive relief were thereafter consolidated, and a hearing was held on the **[**3]** merits for a permanent injunction from November 29, 1989 to December 5, 1989. For the reasons stated hereinafter, we grant plaintiffs' consolidated motion for injunctive relief.

Facts

The Corps' Mobile District Office issued Invitation for Bids (IFB) No. DACW01-89-B-0076 on July 27, 1989. The IFB solicited bids for maintenance dredging on the Mobile River ship channel in Mobile, Alabama. The work was to be performed on that portion of the river between Station 0 + 00 - tangent 1 and Station 31 + 60 - tangent 5; a dredging channel of approximately 24,000 to 25,000 feet in length and 500 to 1,000 feet in width. The IFB required "the removal . . . of the material lying above the channel bottom elevations (below mean low water) and over the channel bottom widths and lengths as specified on the contract drawings," PX 3, p. 2A-1. This requirement contemplated the removal of all shoal ³ material within a box-cut prism. Thus, offerors were required to bid the project according to the materials within the prism, described as a depth of - 42.0 feet below mean low water and the channel width prescribed by contract drawings referenced in the IFB. The quantity of materials to be removed **[**4]** was not advertised by the Corps. Bidders were, therefore, required to make this determination for themselves on the basis of IFB drawings coupled with three channel surveys included with the IFB. These three surveys, taken in November 1988, May 1989, and August 1989, provided all bidders with various channel cross-sections which indicated the distribution of the shoal material to be removed from the box-cut template.

FOOTNOTES

³ The shoal is that material deposited in the channel over time. In this case, it is comprised primarily of mud and silt traveling down the Mobile River, and deposited in Mobile Bay. It also includes any material deposited in the channel as a result of tidewater effects.

The materials dredged were to be deposited in two disposal areas. The quantity of the materials to be placed in the first disposal area, known as Mud Lakes 6/7, was restricted to 1,000,000 gross cubic yards. The remainder of the dredged materials was to be deposited in the second disposal area, known as Gaillard Island, which was approximately 14 miles beyond the mid-point of the Mobile River work site. The fact of the foregoing distance to Gaillard Island as a disposal site necessarily **[**5]** contemplated the use of dredging pipeline with an average length of 72,000 feet. This requirement unquestionably made the project unconventional in that it required substantial amounts of submersible pipeline. This is so for the additional fact that the pipeline length was more than the Corps had used on any of five previous contracts in the Mobile River, PX 8.

Under the terms of the IFB, bidders were required to submit fixed, lump-sum prices for four line bid items. The four required components of each bid included:

[*563] Bid Item

- # 1 -- Mobilization and Demobilization;
- # 2 -- Mobile River Dredging;
- # 3 -- Dike Construction and General Rehabilitation for both the Mud Lakes 6/7 and Gaillard Island Disposal Areas; and
- # 4 -- Operation and Maintenance Costs Associated with the Mud Lakes 6/7 and Gaillard Island Disposal Areas.

The Corps, as required, prepared a project contract estimate by which it sought to judge all bids received pursuant to the solicitation. That estimate was prepared by Mr. Paul Warren, Area Engineer for the Mobile

District. As Area Engineer, Mr. Warren is responsible for monitoring the condition of federal navigational channels in the Mobile **[**6]** District, drafting contract specifications for dredging projects, estimating the cost of dredging projects in the District, and execution of those projects. Mr. Warren, a civil engineer registered in the State of Alabama and employed with the Corps since 1974, estimated the cost of the project in issue on four separate occasions. See Appendix E. Each such estimate was prepared on a cost basis, without reference to profit. Additionally, the first two estimates, prepared prior to this litigation, were noted approved by Mr. James R. Couey, Engineering Division Chief. Said estimates were as follows: ⁴

[7]**

Item	The Corps' Estimates			
	Original Estimate	Revised Before Trial	Revised at Trial	Best & Final
1 Mob & Demob	\$ 437,698	\$ 3,222,625	\$ 3,426,031	\$ 3,424,945
2 Dredging Mobile River	5,392,002	4,256,841	4,256,841	4,267,006
3 D/A Activities Dike	84,036	84,036	84,036	84,036
4 D/A Activities Operations	146,760	146,760	146,760	146,760
	\$ 6,060,496	\$ 7,710,262	\$ 7,913,668	\$ 7,922,747.

The Best and Final Estimate (B&FE), DX 7, was increased by the Corps over the Original Estimate by the amount of \$ 1,862,252 (\$ 7,922,747 - \$ 6,060,495) or by 30.72%. The circumstances regarding the preparation of each are discussed *seriatim*, along with its impact on the award process.

FOOTNOTES

⁴ The "Original Estimate" was for \$ 6,060,496.01 and is contained in PX 7, p. 1. It was later superseded by a "Revised Estimate," PX 7, p. 21, in the amount of \$ 7,710,262.06. The "Revised Estimate," by correcting an error in addition for mobilization and demobilization, was modified at trial to \$ 7,913,668. Tr. 480-481. Finally, Mr. Warren prepared a "Best and Final" Estimate in the amount of \$ 7,922,747.17, DX 7, which was not introduced until the third day of trial. Through all of these revisions, only bid items # 1 and # 2 were modified. Each of the four government estimates are set forth *in detail*, on Appendix E.

Plaintiffs, a joint venture in which Weeks was to provide the financial assistance and Bean was to furnish the labor and equipment, submitted an \$ 11,246,000 fixed lump-sum bid on the Mobile River dredging project. It estimated that the following costs would be incurred for each of the four bid items:

Item	Amount
(1) Mobilization/Demobilization	\$ 3,700,000
(2) Dredging Mobile River	7,416,000
(3) D/A Dike Construction	100,000
(4) D/A Operation and Maintenance	30,000
Total Bid	\$ 11,246,000.

[8]** Their bid was prepared by Mr. Ancil Taylor, the holder of a bachelor of science degree in construction engineering and plaintiff Bean's Manager of Engineering and Estimating. Mr. Taylor has been employed in this capacity for 10 years and is responsible for bidding, analyzing equipment production capabilities, and implementing any dredging methods that would enhance productivity. Mr. Taylor is not, however, a licensed engineer, nor is there evidence of any graduate degrees or study in the engineering field.

[*564] The Corps opened bids on September 28, 1989, and received four responsive offers. All were judged and compared with the \$ 6,060,496.01 Original Estimate, the only Corps' estimate in existence at that time. It was concluded by the Corps that the lowest bid had been submitted by plaintiffs. ⁵ However, citing *HN2-33* U.S.C. § 624, see note 14, *infra*, which prohibits the award of river and harbor improvement contracts when

all bids exceed the government's estimate by *more than 25%*, the Corps refused to award the contract. More specifically, plaintiffs' \$ 11,246,00 bid was far more than 25% greater than the \$ 6,060,496.01 the Corps estimated would be required to accomplish **[**9]** the work. Under its \$ 6,060,496.01 Original Estimate, assuming, of course, it complied with 33 U.S.C. § 624, the Corps could not have made an award on any bid higher than \$ 7,575,620. ⁶

FOOTNOTES

⁵ The other bids were as follows: \$ 11,365,000 by T. L. James and Co.; \$ 12,000,000 by Great Lakes, Inc.; and \$ 18,000,000 by Mike Hooks, PX 4.

⁶ An awardable bid equals no more than the government's fair and reasonable estimate multiplied by 1.25 (awardable bid = government estimate x 1.25). Thus, \$ 7,575,620 = \$ 6,060,496 x 1.25, see 33 U.S.C. § 624.

Bean, on behalf of the joint venture, protested the reasonableness of the government's estimate by a fax transmittal to the Corps on September 29, 1989, PX 5. Said protest requested a review of the Corps' Original Estimate prior to any further action by the Corps, which was done. As a consequence, the Corps made a reconsideration of its estimate, by making some minor changes which did not significantly alter the estimate sufficiently to create an awardable bid, PX 7, p. 40. Subsequently, the Corps informed plaintiffs by telephone that it intended to deny the protest, but offered to further consider any submissions that might influence **[**10]** the contracting officer's decision. In response, plaintiffs submitted an extensive written analysis of the project costs which they deemed to be fair and reasonable, dated October 10, 1989. They attempted to substantiate the alleged reasonableness of their \$ 11,246,000 bid and also sought to demonstrate deficiencies in the government estimate, PX 6. This submission led to a meeting on October 11, 1989, in which Bean, again on behalf of the joint venture, was allowed to make a verbal presentation of plaintiffs' case, PX 6. The Corps analyzed plaintiffs' submission as supplemented and determined that some changes were appropriate. It (the Corps) thereafter prepared a Revised Estimate of \$ 7,710,262, PX 7, p. 21.

The Revised Estimate, while not creating an awardable contract, ⁷ led the Corps to conclude that a negotiated procurement was possible. Consequently, the Corps decided to convert the IFB to a request for proposals (RFP) to enable the Corps to negotiate with any and all of the original four bidders to produce an awardable contract. When informed of this decision, plaintiffs requested another audience with the Corps. Two meetings were held on October 20, 1989, in which **[**11]** plaintiffs' vigorously contested the Corps' plan to cancel the IFB, PX 7, p. 41. Plaintiffs and the Corps were unable to reach an agreement, whereupon plaintiffs filed suit in this court to enjoin cancellation of the IFB on November 7, 1989. Said suit contends that plaintiffs' bid was not treated fairly, as required, in that the Corps' estimate was determined in violation of 33 U.S.C. § 624.

FOOTNOTES

⁷ Notwithstanding the revised estimate, the Corps could not have made an award on any bid higher than \$ 9,637,828 (\$ 7,710,262 Corps' Revised Estimate x 1.25).

At trial, and in their efforts to establish that the Corps' estimate was not determined in a fair and reasonable manner, plaintiffs relied exclusively upon the testimony of their estimator, Mr. Taylor. ⁸ The Corps relied almost entirely upon the testimony of its estimator, Mr. Warren. ⁹ Upon **[*565]** direct examination, Mr. Warren conceded that the Corps' Revised Estimate, PX 7, p. 21, contained mathematical errors. Consequently, Mr. Warren corrected the Revised Estimate at trial from \$ 7,710,262 to \$ 7,913,668.06 -- an increase of \$ 203,406. ¹⁰ On the third day of trial, the Corps introduced its \$ 7,922,747 B&FE, DX 7, through Mr. **[**12]** Warren, on direct examination. That B&FE, apparently, was prepared over a three-day break in trial after plaintiffs had presented all of their evidence. The B&FE, DX 7, superseded the Corps' corrected Revised Estimate, and totalled \$ 7,922,747.17. ¹¹ Notwithstanding this submission, the Corps' B&FE did not produce a § 624 awardable contract. ¹² Given the fact that the Corps has modified its \$ 6,060,496.01 Original Estimate, PX 7, p. 1, three times with a Revised Estimate of \$ 7,710,262.00, PX 7, p. 21, a Revised Estimate corrected at trial of \$ 7,913,688.06, Tr. 480-481, and the B&FE of \$ 7,922,747.17, DX 7, the effect of the foregoing is a judicial admission by the Corps that its *Original Estimate* was unfair and unreasonable at the very minimum of \$ 1,862,251.16 (\$ 7,922,747.17 - \$ 6,060,496.01). To establish an awardable contract, plaintiffs now are

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
------------------	---------------	-----------------------	-------------------	-------------	----------------	---------------

Shepardize®:

Signal: Caution: Possible negative treatment

Trail: **Unrestricted**

Bean Dredging Corp. v. United States, 19 Cl. Ct. 561, 1990 U.S. Cl. Ct. LEXIS 41, 36 Cont. Cas. Fed. (CCH) P75811 (1990)

SHEPARD'S SUMMARY

HIDE

Unrestricted Shepard's Summary

No subsequent appellate history.

Citing References:

Cautionary Analyses: **Criticized (1)**

Other Sources: Law Reviews (2), Statutes (2), Treatises (2), Court Documents (4)

LexisNexis Headnotes: HN2 (1), HN3 (4), HN6 (1), HN9 (1), HN12 (1), HN13 (1), HN16 (1)

Show full text of headnotes

PRIOR HISTORY (0 citing references) Hide Prior History

(CITATION YOU ENTERED):

Bean Dredging Corp. v. United States, 19 Cl. Ct. 561, 1990 U.S. Cl. Ct. LEXIS 41, 36 Cont. Cas. Fed. (CCH) P75811 (1990)

CITING DECISIONS (8 citing decisions)

FEDERAL CLAIMS COURT

Select for Delivery

☐ 1. Criticized by, Cited by:

Manson Constr. Co. v. United States, 64 Fed. Cl. 746, 2005 U.S. Claims LEXIS 67 (2005) LexisNexis Headnotes HN2, HN3

Criticized by:

64 Fed. Cl. 746 p.751

Cited by:

64 Fed. Cl. 746 p.750

☐ 2. Cited by:

CW Gov't Travel, Inc. v. United States, 61 Fed. Cl. 559, 2004 U.S. Claims LEXIS 193 (2004) LexisNexis Headnotes HN3

61 Fed. Cl. 559 p.575

☐ 3. Cited by:

Great Lakes Dredge & Dock Co. v. United States, 60 Fed. Cl. 350, 2004 U.S. Claims LEXIS 90 (2004) LexisNexis Headnotes HN6

60 Fed. Cl. 350 p.370

- ☐ 4. **Cited by:**
Cavalier Clothes, Inc. v. United States, 51 Fed. Cl. 399, 2001 U.S. Claims LEXIS 193 (2001) LexisNexis Headnotes HN16
51 Fed. Cl. 399 p.420
- ☐ 5. **Cited by:**
Overstreet Elec. Co. v. United States, 47 Fed. Cl. 728, 2000 U.S. Claims LEXIS 200 (2000) LexisNexis Headnotes HN3, HN13
47 Fed. Cl. 728 p.732
- ☐ 6. **Cited by:**
Mike Hooks, Inc. v. United States, 39 Fed. Cl. 147, 1997 U.S. Claims LEXIS 201, 42 Cont. Cas. Fed. (CCH) P77191 (1997) LexisNexis Headnotes HN12
39 Fed. Cl. 147 p.155
- ☐ 7. **Cited by:**
Day & Zimmermann Servs. v. United States, 38 Fed. Cl. 591, 1997 U.S. Claims LEXIS 160, 42 Cont. Cas. Fed. (CCH) P77186 (1997) LexisNexis Headnotes HN9
38 Fed. Cl. 591 p.597
- ☐ 8. **Cited by:**
Aerolease Long Beach v. United States, 31 Fed. Cl. 342, 1994 U.S. Claims LEXIS 79, 39 Cont. Cas. Fed. (CCH) P76654 (1994) LexisNexis Headnotes HN3
31 Fed. Cl. 342 p.367

ANNOTATED STATUTES (2 Citing Statutes)

- ☐ 9. 28 U.S.C. sec. 1491
- ☐ 10. 33 U.S.C. sec. 624

LAW REVIEWS AND PERIODICALS (2 Citing References)

- ☐ 11. ARTICLE: The Judge Advocate General's Legal Center & School, U.S. Army; Military Citation Guide; Tenth Edition August 2005, 2005 Army Law. 7 (2005)
- ☐ 12. ARTICLE: 1993 CONTRACT LAW DEVELOPMENTS--THE YEAR IN REVIEW, 1994 Army Law. 3 (1994)

TREATISE CITATIONS (2 Citing Sources)

- ☐ 13. 1-2 Construction Law P 2.03
- ☐ 14. 11-F6 Government Contracts: Law, Admin & Proc Form 6

BRIEFS (1 Citing Brief)

- ☐ 15. PROMAC v. WEST, 1999 U.S. Fed. Cir. Briefs 1075, 1999 U.S. Fed. Cir. Briefs LEXIS 14 (Fed. Cir. May 6, 1999)

MOTIONS (3 Citing Motions)

- ☐ 16. ACADEMY FACILITIES MGMT. v. UNITED STATES, 2009 Fed. Cl. Ct. Motions 302, 2009 Fed. Cl. Ct. Motions LEXIS 69 (Fed. Cl. June 19, 2009)
- ☐ 17. Savantage Fin. Servs. v. United States, 2008 Fed. Cl. Ct. Motions 706669, 2009 Fed. Cl. Ct. Motions LEXIS 94 (Fed. Cl. Feb. 27, 2009)

- ☐ 18. TIP TOP CONSTR., INC. v. UNITED STATES, 2008 Fed. Cl. Ct. Motions 352, 2008 Fed. Cl. Ct. Motions LEXIS 15 (Fed. Cl. June 17, 2008)

Signal:  Caution: Possible negative treatment

Citation: **19 Cl. Ct. 561** (Get this Document , Table of Authorities)








View: Full


Trail: **Unrestricted**

Location: 1 - 18 of 18 Total Cites

Date/Time: Tuesday, March 22, 2011 3:44:02 PM EDT

* Signal Legend:

-  - Warning: Negative treatment is indicated
 -  - Warning: Negative case treatment is indicated for statute
 -  - Questioned: validity questioned by citing refs
 -  - Caution: Possible negative treatment
 -  - Positive treatment is indicated
 -  - Citing Refs. With Analysis Available
 -  - Citation information available
- * Click on any Shepard's editorial treatment code (e.g., distinguished, questioned) to view its definition.

 LexisNexis® [About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
All	Legal	News & Business	Public Records	Find A Source	Add/Edit Subtabs	

Legal > / . . . / > Legal US News, All 

Search [View Tutorial](#) | [Help](#)

Select Search Type and Enter Search Terms

Terms & Connectors

Natural Language

Easy Search™

(5378656 or 5,378,656)

Suggest terms for my search

Search

Check spelling

Restrict by Document Segment

Select a document segment, enter search terms for the segment, then click Add.

Select a Segment 

Add 

Note: Segment availability differs between sources. Segments may not be applied consistently across sources.**Restrict by Date**☒ No Date Restrictions  ☐ From To [Date formats...](#)

Search Connectors

and	and	w/p	in same paragraph
or	or	w/seg	in same segment
w/N	within N words	w/s	in same sentence
pre/N	precedes by N words	and not	and not

[More Connectors & Commands...](#)

How Do I...?

Combine sources?
Restrict by date?
Restrict by document segment?
Use wildcards as placeholders for one or more characters in a search term?
[View Tutorials](#)

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

No Documents Found

No documents were found for your search terms
"(5378656 or 5,378,656)"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts."
- Use a less restrictive date range.

| [Save this Search as an Alert](#) || [Edit Search](#) |

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

My Lexis™	Search	Get a Document	Shepard's®	More	History	Alerts
------------------	---------------	-----------------------	-------------------	-------------	----------------	---------------

Source: **Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > United States Code Service (USCS) Materials > United States Code Service - Titles 1 through 51** 

Copyright © 2011 by Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved.

United States Code Service - Titles 1 through 51

[View Tutorial](#) | [Help](#)

☒ **Terms and Connectors** ☐ **Natural Language**

5637913 or 5,637,913

Search: ☒ **Full-text of source documents**

 **Advanced**

☐ **Table of Contents (TOC) only**

☐ **Search Selected Only**







[Clear All Selections](#) | [Hide Book Headers](#)

- ☒ ☐ **TITLE 1. GENERAL PROVISIONS**
- ☒ ☐ **TITLE 2. THE CONGRESS**
- ☒ ☐ **TITLE 3. THE PRESIDENT**
- ☒ ☐ **TITLE 4. FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES**
- ☒ ☐ **TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES**
- ☒ ☐ **TITLE 6. DOMESTIC SECURITY**
- ☒ ☐ **TITLE 7. AGRICULTURE**
- ☒ ☐ **TITLE 8. ALIENS AND NATIONALITY**
- ☒ ☐ **TITLE 9. ARBITRATION**
- ☒ ☐ **TITLE 10. ARMED FORCES**
- ☒ ☐ **TITLE 11. BANKRUPTCY**
- ☒ ☐ **TITLE 12. BANKS AND BANKING**
- ☒ ☐ **TITLE 13. CENSUS**
- ☒ ☐ **TITLE 14. COAST GUARD**
- ☒ ☐ **TITLE 15. COMMERCE AND TRADE**
- ☒ ☐ **TITLE 16. CONSERVATION**
- ☒ ☐ **TITLE 17. COPYRIGHTS**
- ☒ ☐ **TITLE 18. CRIMES AND CRIMINAL PROCEDURE**
- ☒ ☐ **TITLE 19. CUSTOMS DUTIES**
- ☒ ☐ **TITLE 20. EDUCATION**
- ☒ ☐ **TITLE 21. FOOD AND DRUGS**
- ☒ ☐ **TITLE 22. FOREIGN RELATIONS AND INTERCOURSE**
- ☒ ☐ **TITLE 23. HIGHWAYS**
- ☒ ☐ **TITLE 24. HOSPITALS AND ASYLUMS**
- ☒ ☐ **TITLE 25. INDIANS**
- ☒ ☐ **TITLE 26. INTERNAL REVENUE CODE**
- ☒ ☐ **TITLE 27. INTOXICATING LIQUORS**
- ☒ ☐ **TITLE 28. JUDICIARY AND JUDICIAL PROCEDURE**
- ☒ ☐ **TITLE 29. LABOR**
- ☒ ☐ **TITLE 30. MINERAL LANDS AND MINING**
- ☒ ☐ **TITLE 31. MONEY AND FINANCE**
- ☒ ☐ **TITLE 32. NATIONAL GUARD**
- ☒ ☐ **TITLE 33. NAVIGATION AND NAVIGABLE WATERS**
- ☒ ☐ **TITLE 34. [NAVY]**
- ☒ ☐ **TITLE 35. PATENTS**
- ☒ ☐ **TITLE 36. PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS**
- ☒ ☐ **TITLE 37. PAY AND ALLOWANCES OF THE UNIFORMED SERVICES**
- ☒ ☐ **TITLE 38. VETERANS' BENEFITS**
- ☒ ☐ **TITLE 39. POSTAL SERVICE**
- ☒ ☐ **TITLE 40. PUBLIC BUILDINGS, PROPERTY, AND WORKS**

	<input type="checkbox"/>	TITLE 41. PUBLIC CONTRACTS
	<input type="checkbox"/>	TITLE 42. THE PUBLIC HEALTH AND WELFARE
	<input type="checkbox"/>	TITLE 43. PUBLIC LANDS
	<input type="checkbox"/>	TITLE 44. PUBLIC PRINTING AND DOCUMENTS
	<input type="checkbox"/>	TITLE 45. RAILROADS
	<input type="checkbox"/>	TITLE 46. SHIPPING
	<input type="checkbox"/>	TITLE 47. TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS
	<input type="checkbox"/>	TITLE 48. TERRITORIES AND INSULAR POSSESSIONS
	<input type="checkbox"/>	TITLE 49. TRANSPORTATION
	<input type="checkbox"/>	TITLE 50. WAR AND NATIONAL DEFENSE
	<input type="checkbox"/>	TITLE 51. NATIONAL AND COMMERCIAL SPACE PROGRAMS

1 - 51 of 51

Key:

-  Click to expand level.*
 -  Click to collapse level.*
 -  Click to expand document subheadings.*
 -  Click to collapse document subheadings.*
 -  Click link to display full text of document.*
 -  Click to generate a TOC linking url.
- * Hover your cursor over this icon to display the Multiple Level Expand navigation menu.

Source: **Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > United States Code Service (USCS) Materials > United States Code Service - Titles 1 through 51 [i](#)**

In

About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

No Documents Found

No documents were found for your search terms.

"5637913 or 5,637,913"

Click "Save this search as an Alert" to schedule your search to run in the future.

- OR -

Click "Edit Search" to return to the search form and modify your search.

Suggestions:

- Check for spelling errors.
- Remove some search terms.
- Use more common search terms, such as those listed in "Suggested Words and Concepts."
- Use a less restrictive date range.

| Save this Search as an Alert || Edit Search |

In

About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us
Copyright © 2011 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.